

Remarks:

Summary of the Office Action

Claims 12-15 and 21-23 are pending.

Of these claims 21-23 have been rejected on formal matters under 35 U.S.C. § 112.

Further, claims 12 and 23 have been rejected under 35 U.S.C. 102(b) as being anticipated by either of Laing U.S. patent No. 164,567 ("Laing") and Fischer U.S. patent No. 3,462,989 ("Fischer").

Claims 13-15 have been rejected under 35 U.S.C. §103(a) as being obvious from Fischer in view of Morello U.S. patent no. 5,359, 871 ("Morello").

In addition the Examiner has raised objections under 35 U.S.C. § 132 to the amendment to the specification filed on October 22, 2003.

Interview Summary

Applicant appreciates the courtesies extended by the Examiner in discussing the Draft Amendment (faxed on April 28, 2004) with the undersigned on May 12, 2004.

The Examiner has correctly summarized the interview in the Office Communication dated May 17, 2004. The Examiner indicates that the proposed amendment to the specification would over come the new matter objection. Further, the Examiner indicates that the proposed claim amendments in the Draft appear to overcome the § 112 rejections. With respect to the prior art rejections, the Examiner notes that the proposed amendments in the Draft did not overcome the prior art rejections. In particular, the Examiner notes that Laing shows a first portion of sheet metal strip being formed with a U-shape and a second portion being formed with a C-shape by the successive operations shown in Figs. 2 and 4. The undersigned indicated that applicant would further amend the claims to bring out that the final product of applicant's forming step is a strip of

material having two distinct portions of U-Shape and C-shape. No agreement was reached on the specific language that would define the claims over the art of record.

Summary of Applicant's Reply

Applicant has amended the specification, without prejudice, to delete the objected-to sentence "All of the steps A-F . . . to produce a U-section profile." As indicated by the Examiner in the Interview Summary, this amendment overcomes the new matter objection.

Further, applicant has amended claims 21 and 23 for clarity. As indicated by the Examiner in the Interview Summary, these amendments appear to over come the § 112 rejections.

Applicant has further amended claims 12 and 13 to include the limitation that "the steps of forming [the first metal frame member from a single sheet of metal fed into the roll forming apparatus] are conducted in manner such that the processed first metal frame member output from the roll forming apparatus has distinct first and second portions that respectively have U-section and C-section channel profiles."

Applicant respectfully submits that this limitation clearly defines his invention over the prior art. The cited prior art does not show, teach or suggest processing a single sheet of metal into "a processed" frame member having two distinct portions of different cross-sectional profiles (i.e. a portion with a U-shape and a portion with a C-shape profile). For example, the finished output of Laing's roller machine is an eave trough having a single uniform cross-section shape along its length. Similarly, Fisher only describes a sheet bending machine for making a flange with a single cross-sectional shape along the entire length of the flange. Morello shapes a building panel by bending it (the panel) along its length to give the panel a single cross sectional profile along its entire length. Thus neither Laing, Fisher nor Morello, whether taken individually or in

PATENT  
Attorney Docket No. A34093 PCT USA

combination, disclose, teach or suggest all of the elements of claims 12 or 13. Accordingly, claims 12 and 13 (and their dependent claims 14, 15, and 21-23) are patentable over the cited references.

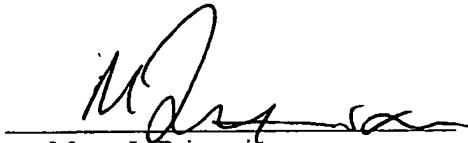
Conclusion

For at least the reasons set forth above, applicant requests the rejections of claim 12-15 and 21-23

PATENT  
Attorney Docket No. A34093 PCT USA

be withdrawn. Applicant further respectfully submits that this application is now in condition for allowance. Reconsideration and prompt allowance of which are requested. The undersigned will appreciate a phone call from the Examiner, if there are any issues that need to be resolved.

Respectfully submitted,



Manu J. Tejwani  
Registration No. 37,952

Attorneys for Applicant

Baker Botts L.L.P.  
30 Rockefeller Plaza  
New York, NY 10112  
Tel.: 212.408.2500  
Fax: 212.408.2501